IFW

Docket No.

1238 DIV

MAY 2 4 2004 Deplicant:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

James F. McGuckin, et al

Serial No.:

10/706,685

Group Art Unit:

3764

Filed:

November 12, 2003

Examiner:

Unknown

For:

Vascular Device With Valve For Approximating Vessel Wall

Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

## **CERTIFICATE OF MAILING**

Date of Deposit:  $\frac{5|2||v||}{1}$  Hereby certify that the following:

[X] This Certificate of Mailing

[X] Information Disclosure Statement

[X] PTO Form 1449 & copy of cited reference

[X] Return postcard

are being deposited with the United States Postal Service first class mail on the Date of Deposit indicated above in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

holdshe

Neil Gershon Rex Medical 2023 Summer Street Suite 2 Stamford, CT 06905 (203) 348-0377



Docket: 1238 DIV

## D STATES PATENT AND TRADEMARK OFFICE

Applicant:

Jamers F. McGuckin, Jr., et al

Serial No:

10/706,685

Filed:

November 12, 2003

Examiner:

Phan

Group Art Unit: 3764

For:

Vascular Device With Valve For Approximating Vessel Wall

**Commissioner For Patents** P. O. Box 1450 Alexandria, V.A. 22313-1450

## INFORMATION DISCLOSURE STATEMENT

In accordance with Applicant's duty of disclosure under 37 C.F.R §1.56, Applicants submit the enclosed references for the Examiner's consideration. It is respectfully requested that the reference(s) submitted with Form PTO-1449 be considered during Examination of the above-identified application and made of record therein. A copy of the reference(s) is/are enclosed. This submission is believed to be in compliance with 37 C.F.R. §1.97 and 37 C.F.R. §1.98. Copies of the reference(s) previously cited by or submitted to the Patent and Trademark Office in parent application Serial No. 10/011,345, filed December 5, 2001, (now U.S. Patent No. 6,676,698), are not provided herein pursuant to MPEP Section 609.

The citation of the listed item(s) is not a representation that it constitutes a complete or exhaustive listing of prior art or that it constitutes prior art. The item(s) listed is/are submitted in good faith, but is/are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner, it-will assist the Examiner in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ( ) This information disclosure statement is being filed within three (3) months of the filing date of this application.
- () This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R.§ 1.491 in an international application.
- (X) To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action in connection with this case.
- ( ) Enclosed is a certificate under 37 C.F.R. §1.97 (e)(i).
- ( ) Enclosed is a petition under 37 C.F.R. §1.97 (d)
- () Please charge the petition fee of \$130.00 required under 37 C.F.R. §1.17 (i)(1) to Deposit Account No. 501567
- () As set forth in 37 C.F.R. §1.97 (c), to the best of Applicant(s) knowledge, this information disclosure statement is being filed before either the mailing of a final action under 37 C.F.R.§1.113 or the mailing of a notice of allowance under 37 C.F.R. §1.113, and is accompanied by the \$180.00 fee as provided for in 37 C.F.R. §1.17(p).
- () Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 501567.
- (X) Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 37 C.F.R. §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 501567. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend time as required and charge Deposit Account No. 501567 therefor. TWO COPIES OF THIS SHEET ARE ENCLOSED.

Early and favorable consideration of the case is respectfully requested.

Dated: 5 1/04

Neil D. Gershon

Registration No. 32,225 Attorney for the Applicants

Rex Medical, L.P. 2023 Summer St. Suite 2

Stamford, CT. 06905

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE										ATTY. DOCKET NO.	<del></del>		S	ERIAL 1	١٥.	
										1238 DIV			10/	706,68	5	
INFORMATION DISCLOSURE																
STATEMENT BY APPLICANT																
(Use	seve	ra.	l sh	eet	s i	i f	nec	essary)								
70	7	<	$\overline{\lambda}$	-	-			1,	╈							
			<u> </u>				,		十	APPLICANT						
M	AY 24	200	( 0.						1	James F. McGuckin, Jr.,	et al					
\_"	<b>7</b> 11 -		3						$\vdash$	ETITIC DAME				<del></del>		
V.	^	. (	N.S.						1	FILING DATE November 12, 2003			376	UP Art	Unit:	
4	Z& TRAN	FNO								110 (0112) 12, 2003			3,0	7		
									υ.	S. PATENT DOCUMENT		<b></b>				
EXAMINE												1		FILIN	G DATE	
INITIAL	s					ENT	Γ	DATE		NAME	CLASS	SUBC	LASS		F	
		_	NUMBER   5 1 4 7 3 8 9 9/1					0 0 /15 /00		T and		<u> </u>		APPRO	PRIATE	
	+	$\dashv$	5 1 5 3			3		9/15/92		Lane Pavenik, et al	<del> </del>	-		-		
	+	$\dashv$		5				10/25/9		Camilli	<del> </del>	+		<del></del>		
	<del> </del>	一	5 3			6				Cottenceau, et al				<del> </del>		
			5 3		5	3				Simon, et al	_	1		1		
			5 3				5 1			Pavenik, et al						
		_	5 3					3/95		Marin						
		-	5 4	4		_		5/02/95		Anderson	<u> </u>			ļ		
	+	-				-	0 0	<del></del>		Sigwart Quijano, et al	-	-		-	-	
	<del></del>		5 5			_		8/13/96		Hess, et al	1	1		+		
	<u> </u>						-			IGN PATENT DOCUMENTS	L	.1.				
		İ	DOCUMENT DATE							COLINEDA					TRANSLATION	
				UME				DATE		COUNTRY	CLASS	SUBCL	ASS			
												1	-	YES	NO	
	1		8 5		8	8		7/08/00	G	Germany		1	$\neg$			
	MO	0	1 2			5	9	4/26/01	-	PCT						
	WO WO	9	7 4			5		11/6/97	-	PCT						
	WO	9	8 1	9	6	2	5 5	5/14/98 11/11/99	+ 등	PCT			$\rightarrow$			
		OT	HER	DOC	CUM	EN'	rs	(Including	a -	Author, Title, Date, Per	inent P	l anes I	<u></u>		L	
										1010, 2000, 1010		ageo, 1	100.,			
1								-								
		$\dashv$														
		-	-													
		$\dashv$														
i		$\dashv$									<del></del>			-,-		
					_							<del></del>				
_		$\Box$														
	ļ	4														
EXAMINE	ER.								<u> </u>	ATE CONCIDENCE						
PVVILITING	11/								ا ا	ATE CONSIDERED						
EXAMINE	CR: Ir	nit	ial	if	ci	tat	tior	conside	re	d, whether or not citation	on is in	confo	rmanc	e with	MPEP	
this fo	aw li	ne.	thr	ouc	jh	cit	tati	ion if not	t .	in conformance and not co	onsidere	d. Inc	lude	copy o	f	
	TILL W.I	11	nex		-Our	mur	IT C	ation to a	ap)	bircaur.						

(Form PTO-1449 [6-4])

							TMENT OF		ATTY. DOCKET NO.			S	ERIAL N	10.
COMMERCE PATENT AND TRADEMARK OFFICE									1238 DIV			10/	706,685	5
INFORMATION DISCLOSURE													,	
STATEMENT BY APPLICANT														
(Use s	evera	l s	hee	ts	if	nec	essary)							
									APPLICANT James F. McGuckin, Jr.,	a+ a1				
									James 1. Meddekin, 01.,	ec ar				
									FILING DATE	•			UP Art	Unit:
									November 12, 2003			376	4	
								1						
		,					<u> </u>	U.	S. PATENT DOCUMENT		<b>.</b>			
EXAMINER INITIALS			DC	CIIN	MEN	TT.	D. W. UID	ļ	NAME	CLASS	SUBCLASS		i	G DATE
INITIALS		DOCUMENT DATE NUMBER						Ì	NAME	CLMSS	SOBCLASS			F PRIATE
		5	5 6				3 10/96	一	Lazarus		†		111110	111111111111111111111111111111111111111
			5 9			9	1/7/97	T	Orth	1			<b></b>	
			5 9				1/14/97		Rhodes		1		1	
			6 0	9			3/11/97		Laufer					
			6 7				10/7/97		Wright					
			7 4				5/5/98		Edoga					
			7 9	_			8/11/98		Van Cleef					
			8 0	0	5	2 6	9/1/98		Anderson, et al					
			8 1	0		4 7	9/22/98	_	Laufer, et al					
			8 2				10/98		Williams					
		5	8 5	5	6	0 1	01/05/99	_	<u> </u>		<u> L</u>			
							FOR	RE.	IGN PATENT DOCUMENTS					
	$-\tau$					- T		т-			<u>r</u>	$\overline{}$	TDANCI	ATTON:
ł		DOCUMENT DATE							COUNTRY	CLASS	SUBCLASS		TRANSLATION	
	- 1		NUM						3331111	CELIDO				
											1		YES	NO
					Τ,			Ì						
														Ĭ
		Ш		$\perp$	↓_	$\sqcup$		<u> </u>						
		Щ			<u></u>			L,						
	O.	rhe.	R DC	CUI	MEN	ITS .	(Including	g A	Author, Title, Date, Pert	inent Pa	iges,	Etc.)		
		l			—			•		<del>.</del>				
Ì		•		•••										
										_			<del></del>	
							4, 10							
							1° 0							
		1												
							, ==							
EXAMINER				-			Т	ח	ATE CONSIDERED					
PVDRIINEK								"	HIE CONSIDERED					
EXAMINER	: Ini	tia	lii	f c	ita	tio	n consider	re	d, whether or not citatio	n is in	confo	rmano	e with	MPEP
609; Dra	w lin	e ti	hroi	ıgh	ci	tat:	ion if not	t :	in conformance and not co	nsidered	d. Inc	lude	copy o	f
this for	m with	n n	ext	COI	mmu	nica	ation to a	app	olicant.					
									<del></del>					

COMMERC		ENT MAT	ANI ION	D TE	RADI SCLO	EMAF OSUR							SERIAL NO. 10/706,685		
(Use s	severa	l s	hee	ts	if	nec	essary)			···					
									B D D T T O B M T			<u> </u>			
								J	APPLICANT ames F. McGuckin, Jr	., et a	L				
									FILING DATE November 12, 2003				GROU 3764		Unit:
								J.S.	PATENT DOCUMENT				-		
EXAMINER INITIALS							DATE	NAME		CLA	ss	SUBCLASS		1	G DATE
480		5				5   8	3/23/99	Sē	chdeva, et al			_		APPRO	PRIATE
		5	9 0	2	3	1 7			eshinski, et al					<del> </del>	
			9 5		9				eonhardt, et al					<del>†</del>	*
		6	0 0	4	3				Namara, et al			†		1	
		6	0 0	4	3	4 8	12/99	Ba	nas, et al					1	
		6	0 1	4	5	8 9	1/11/00	Fa	rley, et al	-				1	
			0 2				02/2000	Su	h, et al		-				
		6	0 3	3	3		3/7/2000		rley, et al						
			0 3				3/14/200		ufer, Et al						<u>-</u>
			0 4	2	_	0 6	3/28/00		antzen						
		6	0 7	1	2	7   7	6/06/00		rley, et al						
							FOF	REIGI	PATENT DOCUMENTS						
		I	OOCU	IMEN IBER			DATE	· · ·	COUNTRY	CLA	ss	SUBCLA		TRANSL	ATION
		т т	NON		` <del></del>	_								YES	NO
	<del> -</del>	-	+	+-	╁┷┤	_			· · · · · · · · · · · · · · · · · · ·						<u> </u>
<del>-</del>		$\vdash$	_	+	₩	+	*								ļ
<del> </del>		$\vdash$		+	$\vdash$	$\dashv$			· -				_		<del> </del>
	_	H		╁	╁─┼	┰┼╴									<del> </del>
····	0'	THE	R DC	CUN	MEN'	rs (	Including	Aut	hor, Title, Date, Pe	rtinent	Pa	ges. E	<del>+ c   \</del>		<u> </u>
								,	, 12020, 2000, 10			900, 1	,		
														-	
								_		·	-				
												·			
													•		
1															
	<u> </u>	<u> </u>													
	<u> </u>	-													
EXAMINER		L					I	D.7 m=	CONGIDENCE						
PVWMTNFR	•						ļ	DATE	CONSIDERED						
EXAMINER	: Ini	tia	] if	FCi	itat	tion	consider	-ed	whether or not citat	ion is	ir	confor	manc	O With	MDED
609; Dra	w line	e ti	hrou	ıgh	cit	tati	on if not	in	conformance and not	conside	red	I. Incl	ude	coby c	of
		- 44		2011	41			-5511							

							MENT OF		ATTY. DOCKET NO.	·		SI	ERIAL N	10.
COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE									1238 DIV			10/	706,685	5
									1230 511			10,	, 00, 00.	•
STATEMENT BY APPLICANT														
(Use s	severa	1 s	hee	ts	<u>if</u>	nece	essary)							
								-	A DDI TOANIM					
									APPLICANT James F. McGuckin, Jr.,	ot al				
									Dames F. McGuckin, Of.,	er ar				
									FILING DATE					Unit:
								ŀ	November 12, 2003		l	3764	1	
<u> </u>						_								
	,						t	U.5	S. PATENT DOCUMENT		<del></del>		T	
EXAMINER	1		D.C	OLIN.	4 ED NIC	T.	DAME	I	NAME	CLASS	SUBCLASS			G DATE
INITIALS		DOCUMENT NUMBER					DATE	1	NAME		SUBCLASS			F PRIATE
	<del> </del> -	6				610	6/27/00	$\dashv$	Chen, et al		+		I	FKIAIL
	ļ		0 8				7/11/00		Duerig, et al				<del>                                     </del>	
<del></del>	<del> </del>	6					10/10/00		Love				<del> </del>	
			1 3				10/24/00		Barbut, et al		<del> </del>		<del> </del>	
-			$\frac{1}{1} \frac{3}{3}$				10/31/00	_	Mikus, et al		┼		+	
		_		9			11/21/00	_	Laufer, et al		<del> </del>			
	-	-		2			12/19/00	_			<del> </del>			
		—		-	8		1/30/01	_	Jayaraman		<del> </del>			
		6	1 7				3/13/01	_	Duerig, et al	1	<del> </del>			
									Pavenik, et al		<u> </u>			
			2 2	_	6		5/1/01	_	Steinke				ļ	
	ļ.	미	2 3	1	5	6 1	1		Frazier, et al	L				
							FOF	KE1	IGN PATENT DOCUMENTS					
							T			. 1	Τ		TDANCT	ATTON.
		,	DOCUMENT DATE				DATE	ŀ	COUNTRY	CLASS	SUBCLASS		TRANSLATION	
				1BER					000WIKI	CH1100		700		
						ı						<u> </u>	YES	NO
			Т	Т			1	1					120	
			$\neg$	+	$\vdash$			$\vdash$	·	<del> </del>	<b>-</b>			
		$\Box$		+	$\vdash$			┢		<del> </del>				<del> </del>
		Н	+	+-	$\vdash$	$\pm$		┢		<del> </del>				
-		П	_	+-		$\vdash$		$\vdash$		<del></del>	<b>-</b>			<del></del>
	0'	THE	R DO	CUN	1ΕΝ΄	TS (	Including	αA	Author, Title, Date, Pert	inent Pa	l anes	Etc \		L
						(		J -	140.1017 110107 24007 1010.	LIICIIC IC	.gcs,	100.7		
		Ι							· · · · · · · · · · · · · · · · · · ·					
		1							· · · · · · · · · · · · · · · · · · ·					
		1								-	<del></del>		-	
İ	<u> </u>	1							<del></del>					
		1												
		<u> </u>											<del></del>	
											_			
	$\vdash$						<del></del>							
		$\vdash$												
		$\vdash$									-		<del></del>	
EXAMINER		!—					<u>-</u>	ח	ATE CONSIDERED					
	-							້ໍ						
							ŀ	ŀ						
EXAMINER	: Ini	tia	1 i:	f c	ita	tion	consider	rec	d, whether or not citation	n is in	confo	rmano	e with	MPFP
609; Dra	w lin	e t	hroı	ugh	Ci'	tati	on if not	t i	in conformance and not con	nsidere	d. Inc	lude	CODV	f
this for	m wit	h n	ext	COI	nmu	nica	tion to a	app	olicant.					-

(Form PTO-1449 [6-4])

Form PTO-1449 U.S. DEPARTMENT OF				SERIAL NO.	
COMMERCE PATENT AND TRADEMARK OFFICE	1238 DIV		10	7706,685	
INFORMATION DISCLOSURE	1200 521			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
STATEMENT BY APPLICANT					
(Use several sheets if necessary)					
	I DDI TONIM			<del></del>	
	APPLICANT James F. McGuckin, Jr.,	et al			
	James I. Heddekiii, Ji.,	CC UI			
	FILING DATE			ROUP Art Unit:	
	November 12, 2003		37	64	
	U.S. PATENT DOCUMENT				
EXAMINER				FILING DATE	
INITIALS DOCUMENT DATE NUMBER	NAME	CLASS	SUBCLAS	S IF APPROPRIATE	
6 2 5 4 5 6 4 7/2001	Wik, et al	-	<del> </del>	APPROPRIATE	
6 2 5 8 1 1 8 7/10/01	Baum, et al		-		
6 2 8 7 3 3 9 9/11/01	Vazquez, et al	<u> </u>		······	
6 2 9 0 7 2 1 9/18/01	Heath				
6 2 9 9 6 3 6 10/2001	Schmitt, et al				
6 2 9 9 6 3 7 10/9/01	Shaolian, et al	`			
6 4 2 5 9 1 5 7/2002	Khosravi, et al				
6 5 0 3 2 7 2 1/2003	Duerig, et al			ĺ	
6 5 2 7 8 0 0 3/2003	McGuckin, et al				
6 6 2 6 8 9 9 9/30/03	Houser, et al				
2001 0 0 0 5 7 8 7 6/28/01	Oz, et al	<u> </u>			
FO.	REIGN PATENT DOCUMENTS				
				TRANSLATION	
DOCUMENT DATE	COUNTRY	CLASS	SUBCLASS		
NUMBER					
				YES NO	
<del>-                                    </del>	*				
<del>-                                     </del>					
		<del> </del>	<del></del>		
OTHER DOCUMENTS (Including	g Author, Title, Date, Pert	inent Pa	ges, Etc	,)	
				•	
	<del></del>				
				•	
	,		·		
EXAMINER	DATE CONSIDERED				
EXAMINER: Initial if citation consider	red, whether or not citatio	n is in	conforma	nce with MPEP	
609; Draw line through citation if no	t in conformance and not co	nsidered	l. Includ	e copy of	
this form with next communication to	applicant.				